

ARTICLE 28

TELECOMMUTING – FLEXIPLACE / TELEWORK

28.1 GENERAL

NFFE FL7 IAMAW and the Employer agree that telework is a valuable management tool designed to improve an employee's quality of life, employee productivity, the balance of work and personal/family life, the environment, energy utilization, and other social and economic conditions while enhancing work place flexibility. Many current workers can perform their work from their home or community based telecenter (satellite worksite). Telework affects conditions of employment and the Employer agrees to provide NFFE FL7 IAMAW the opportunity to negotiate the impact and implementation of any future changes to established Telework programs. NFFE FL7 IAMAW will be notified each time that a list of bargaining unit employees or positions eligible for telework is generated. Section 359 of Public Law No. 106-346 requires each Executive Agency to establish a policy under which eligible employees of the agency may participate in telework to the maximum extent possible without diminishing employee performance. Rural Development policies are designed to actively promote telework in Rural Development. Section 359 of Public Law No. 106-346, Rural Development Instructions 2045-A Telecommuting Policy, Oregon Rural Development Telecommuting Policy and this Article provide guidance for implementation and management of this program.

28.2 DEFINITIONS

Definitions are explained in the Oregon and National Rural Development Telework Policies. See section 2045.2 on page 1.

28.3 ELIGIBILITY

In order for an employee to participate in the Telework program, both the employee and the particular position that the employee occupies must be deemed suitable for teleworking. The employer will make a determination as to whether the position and the employee are suitable for Telework. It is Rural Development's policy that to be considered for teleworking an employee has a proven or expected minimum performance rating of successful, results achieved, or higher and has not been officially disciplined in the last 2 years. A new employee to Oregon Rural Development may negotiate with their immediate supervisor at the employee's first appraisal after the probationary period is completed. Additional information is available in the Oregon and National Rural Development Telework Policies. See section 2045.3 on page 2.

28.4 GRIEVABILITY:

Selections or non-selections of NFFE FL7 IAMAW bargaining unit employees for participation in the Telework program shall be administered in accordance with the

regulations cited in Oregon AN No. 1277 (2045-A), Exhibit B. NFFE FL7 IAMAW and/or bargaining unit employees may grieve non-selection for participation in the Telework program if either party believes the determination of eligibility or the application process was inappropriate.

28.5 PARTICIPATION

Telecommuting is a mutual agreement between the employee and management. An employee's involvement in the telecommuting program is voluntary and may be discontinued by the employee or by the supervisor for cause at any time with appropriate notice (normally 2 weeks). Participation in the program requires an approved, written agreement signed by the employee and first and second level supervisors. More detailed information is available in the Oregon and National Rural Development Telework Policies. See section 2045.3A on page 2.

28.6 Duty Hours for Telecommuting Employees

Duty hours and schedules will be negotiated between the employee and the supervisor. These duty hours and schedules will be recorded in the telework agreement signed by the employee and the supervisor. More detailed information is available in the Oregon and National Rural Development Telework Policies. See section 2045.4 on page 3.

28.7 EQUIPMENT and SUPPLIES

Government-owned equipment is to be used only for official business. Government-owned property; including computers, other telecommuting equipment, Government telephone credit cards and supplies will be provided to employees participating in the telecommuting program. However, an employee may choose to use their personal fax machine, keyboard, or printer. The Government is responsible for the maintenance, repair and replacement of Government-owned equipment. The cost of any Government-owned equipment for the purpose of telecommuting must be borne by the employing office. More detailed information is available in both the Oregon and National Rural Development Telecommuting Policies. See section 2045.7 on page 4.

28.8 HOME INSPECTIONS

The telecommuting employee's worksite must meet acceptable standards for the safety of the employee and the security of data and any Government-loaned equipment. Onsite inspection during normal duty hours (normally with 24 hours notice) may be used to meet this requirement.

28.9 RESPONSIBILITIES

Supervisor and employee responsibilities are outlined in both the Oregon and National Rural Development Telecommuting Policies. See section 2045.10 on page 5.

28.10 HUMAN RESOURCES

The SPO provides advice on the provisions of the Telecommuting (Flexiplace/Telework) program and maintains a database of all participants and official records on each telecommuter. This record will include a copy of the Form RD 2045-6, Form RD 2045-7, Form RD 2045-10, and any information relating to denials and/or terminations.

28.11 POSITION DESCRIPTION and PERFORMANCE STANDARDS

Position descriptions and performance standards information is provided in both the Oregon and National Rural Development Telecommuting Policies. See section 2045.11 on page 8.

28.12 LIABILITY

The employee is responsible for obtaining necessary homeowners or renters liability insurance coverage. The employee understands that the Government will not be liable for damages to personal property such as house, carpet, furniture, or automobile while the employee is working at the approved alternate worksite, unless the government provided equipment was determined to be defective. The employee understands that he/she will be held liable for any occupant within the household, regardless of age, for unauthorized access to Government-owned equipment or information. The employee understands he/she will safeguard and protect Government/Agency records from unauthorized disclosure or damage and will comply with the Privacy Act of 1974, Title 5 U.S.C., section 552a.

28.13 DEPENDENT CARE

The employee understands telecommuting is not a substitute for family care. The employee will not provide child and/or elder care during the work hours. Older children (typically 11 years old and up) who can tend themselves and other adults may be in the home during duty hours.

28.14 REFERENCES

- (a) Office of Personnel Management website
<http://www.opm.gov/wrkfam/telecomm/telecomm.htm>
- (b) "U. S. Department of Agriculture Family-Friendly Workplace Guide"
available at <http://www.usda.gov/da/shmd/guide.html>

/s/ Lynn Schoessler
Management Representative

/s/ Diana Chappell
Union Representative

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